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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ORIGINAL

UNITED STATES OF AMERICA,

Case No. 13-20913

Plaintiff,

Hon. Paul D. Borman

vs.

VIO: 18 U.S.C. § 1349

D-3 RAMASAMI GUNABALAN, M.D.

Wire Fraud Conspiracy

Defendant.

_____ /

SECOND SUPERSEDING INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

COUNT ONE

(Conspiracy to Commit Wire Fraud – 18 U.S.C. § 1349)

D-5 RAMASAMI GUNABALAN, M.D.

On or about 2011 to 2012, in the Eastern District of Michigan, Southern Division and elsewhere within the jurisdiction of this Court, Defendant RAMASAMI GUNABALAN, M.D. ("Defendant") and others both known and unknown did willfully and knowingly combine, conspire, confederate and agree with each other to devise a scheme and artifice to defraud and to obtain monies and property from others by means of false and fraudulent pretenses, representations, and promises, did for the purpose of executing said scheme and artifice knowingly

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U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
DETROIT

transmit and cause to be transmitted by means of wire communication in interstate commerce a writing, sign, signal, and sound in violation of Title 18, United States Code, Sections 1343 and 1349 as follows:

Overt Acts

1. On or about 2011, Defendant signed the Articles of Incorporation of American Wholesale Pharmaceuticals ("American"), listing himself as the Registered Agent and sole Incorporator of American. This form would list the address of the registered office to be 17200 East 10 Mile Road, Suite 114, Eastpointe, Michigan.
2. Defendant would submit, or cause the submission of these Articles of Incorporation to the State of Michigan on behalf of American, in order to conduct business in Michigan as a Domestic Profit Corporation. American was issued a Manufacturer/Wholesaler pharmaceutical license by Michigan Department of Licensing and Regulatory Affairs.
3. Defendant would open a bank account for American. Huntington National Bank account no. #####5381, dated September 2, 2011, shows
4. signatures of Defendant as President/Owner/CEO. The address used for American on Huntington #####5381 was XXX West Big Beaver Road, Suite

XXX, Troy, Michigan, a property owned by Defendant.

5. Between October 2011 and April 2012, American sold numerous misbranded non-controlled substances to three Pharmacies which in return submitted checks to American.

6. On May 16, 2012, American provided a forged pedigree to a Pharmacy which falsely represented that the pharmaceuticals sold by American were obtained from Omnicare, Inc., when, in fact, American never purchased the pharmaceuticals from the source listed on the pedigree.

7. Defendant and others through American, caused misbranded, non-controlled prescription drugs to enter interstate commerce by purchasing the prescription drugs from an unlicensed, illegitimate source. On at least one occasion, a fraudulent drug pedigree statement was created.

8. American never purchased nor manufactured the non-controlled pharmaceuticals which it sold to pharmacies in Pennsylvania, New Jersey, and Massachusetts.

9. American deprived Pharmacies of the benefit of purchasing the pedigreed pharmaceuticals distributed through the legitimate course of business.

10. In 2012, American collected approximately \$720,928.92 from the Pharmacies as a result of the sale of misbranded, non-controlled pharmaceuticals

CRIMINAL FORFEITURE
(18 U.S.C. § 982)

RAMASAMI GUNABALAN, M.D.

The allegations contained above are all re-alleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of America of any property, real or personal obtained by the Defendant, RAMASAMI GUNABALAN, M.D. ("Defendant"), by commission of the offense charged in Count 1 pursuant to the provisions of Title 18, United States Code, Sections 982(a) and (a)(7).

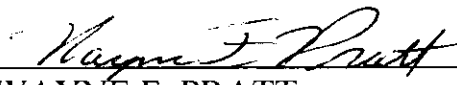
Pursuant to Title 18, United States Code, Sections 982(a) and (a)(7), upon conviction of Defendant for the offense charged in Count One of this Information, the Defendant shall forfeit to the United States \$720,928.92 in property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the wire fraud conspiracy offense.

If the property described above as being subject to the forfeiture pursuant to Title 18, United States Code, Sections 982(a)(2) and (a)(7), as a result of any act or omission of the Defendant:


- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third party;
- iii. has been placed beyond the jurisdiction of the Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be subdivided without difficulty.

It is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek to forfeit any other property of the Defendant up to the listed value.

BARBARA L. MCQUADE
UNITED STATES ATTORNEY



WAYNE F. PRATT
Wayne F. Pratt
Health Care Fraud Unit
Assistant United States Attorney



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Dated: April 19, 2016

ORIGINAL

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number <u>13-20913</u>
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Reassignment/Recusal Information This matter was opened in the USAO prior to August 15, 2008 []

Companion Case Information	Companion Case Number: N/A
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned: N/A
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials:

Case Title: USA v. RAMASAMI GUNABALAN, M.D.County where offense occurred : WayneCheck One: ☒ Felony ☐ Misdemeanor ☐ Petty

☐ Indictment/ ☐ Information --- no prior complaint.
☐ Indictment/ ☐ Information --- based upon prior complaint [Case number:]
☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].


Superseding Case InformationSuperseding to Case No: 13-20913 Judge: Paul D. Borman

- ☐ Original case was terminated; no additional charges or defendants.
☐ Corrects errors; no additional charges or defendants.
☒ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
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Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

April 20, 2016
 Date


 PHILIP A. ROSS
 Assistant United States Attorney
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 Attorney Bar #:

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.